

### REMARKS

Favorable consideration of this Application as presently amended and in light of the following discussion is respectfully requested.

After entry of the foregoing Amendment, Claims 1-20 are pending in the present Application. Claims 1, 10, 19 and 20 have been amended support for which is found at least at Figure 8 and pages 26-27 of the specification.

By way of summary, the Official Action of June 19, 2006 presented the following issues: Claims 1-20 stand rejected under 35 U.S.C. § 103 as being unpatentable over Downs et al. (U.S. Patent No. 6,226,618, hereinafter Downs) in further view of Kawamae et al. (U.S. Patent No. 6,778,757, hereinafter Kawamae).

### REJECTION UNDER 35 U.S.C. § 103

The outstanding Office Action has rejected Claims 1-20 under 35 U.S.C. § 103 as being unpatentable over Down in further view of Kambayashi. The Office Action contends that Down discloses all of the Applicants' claimed features with the exception of authenticating a license management capability of a recording medium loaded to a vending apparatus... However, the outstanding Office Action cites Kambayashi as describing this more detailed aspect of the Applicants' claim advancement and states that it would have been obvious to one skilled in the art at the time the advancement was made to combine the recited references for arriving at the Applicants' claims. Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*, an information vending apparatus including:

... usage condition generating means for generating usage conditions in response to a purchase selection of the information for sale;

... authentication means for authenticating a portable recording medium directly or indirectly loaded on said information vending

apparatus to determine if the portable recording medium is capable of supporting a license management capability prior to writing a purchase selection thereto; and,

writing means for writing said purchase selection along with said usage conditions for said license management capability and said cryptographic key to said portable recording medium upon authentication. (emphasis added)

Downs describes a digital content distribution platform (100). The platform enables content providers (101) to distribute content to customers via a transmission infrastructure (107) and hosting cite (111) (*See* Fig. 1D).<sup>1</sup> Specifically, content is packaged to form secure containers (SC) for delivery. For example, as outlined Downs at Steps 142-148 of column 19, a user purchasing a secure container initiates a series of communications to decrypt the secure container by accessing encryption keys of a clearing house (105) for obtaining a symmetric key for decrypting content. As such Downs describes creating a secure container including content and distributing the secure container to end-users via a network. The distribution of content of the license of the content to the end-user is operated separately.

As noted in the Official Action Downs does not disclose or suggest Applicants' authentication features.<sup>2</sup>

Kambayashi describes an information reproduction system in which content information is recorded to a recording medium such as a DVD-RAM or DVD-ROM. In order to reproduce the content information a license is purchased at the time of recording the content or a later time.<sup>3</sup> The license for reproducing the content may include authentication information such as a code which is defined in advance to check with the encrypted license information has been properly decoded.<sup>4</sup>

<sup>1</sup> Downs at column 8, line 55 through column 9, line 3.

<sup>2</sup> See Official Action of June 19, 2006 at page 3.

<sup>3</sup> Kambayashi, Figure 107: column 63, line 8-24.

<sup>4</sup> Kambayashi, column 63, lines 46-53.

Conversely, in an exemplary embodiment of the Applicants' invention, content is selected from a list of available content by a user via a vending apparatus. Upon selection of content for purchase, usage conditions are generated along with an encryption key for decrypting the encrypted, selected content. Upon authentication that a portable recording medium loaded to the vending apparatus is capable of supporting a license management capability, the purchase selection, along with the cryptographic key, is recorded to the recording medium. In this way, the consumer can store the selected content from the vending apparatus by providing a recording medium compatible with a predetermined Digital Rights Management (DRM) format to the vending apparatus.<sup>5</sup>

The Advisory Action of September 13, 2006 notes that:

... the Final Office Action rejection on page 3 clearly shows these features in Kambayashi, license information is the license management capability, which is checked if it is valid, 'authenticate.'

Applicants note that the description referred by the Advisory Action is directed to a license authentication information. This license authentication process determines whether an encrypted license information has been properly decoded. As can be appreciated, this authentication is whether or not the license is properly identified. The authentication described in Kambayashi is not a determination that a portable recording medium is capable of supporting a license management capability prior to writing a purchase selection thereto as currently recited in amended Claim 1 and any claims depending therefrom. Likewise, as independent Claims 10, 19 and 20 recite essentially similar limitations to that discussed above, Applicants respectfully submit that these claims and any claims depending therefrom are likewise allowable over the cited references.

---

<sup>5</sup> Application at Figs. 3 and 6, and associated description in the specification.

Accordingly, Applicants respectfully request that the rejection of Claims 1-20 under 35 U.S.C. § 102 be withdrawn.

Consequently, in view of the foregoing remarks, it is respectfully submitted that the present application, including Claims 1-20, is patentably distinguished over the prior art, in condition for allowance, and such action is respectfully requested at an early date.

Respectfully submitted,

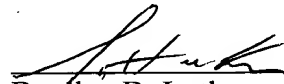
OBLON, SPIVAK, McCLELLAND  
MAIER & NEUSTADT, P.C.

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

BDL:SAM:ys



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073  
Scott A. McKeown  
Registration No. 42,866

I:\ATTY\SAM\PROSECUTION WORK\205041\205041US-AME-RCE.DOC